

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In re Viagra Products Liability Litigation

Civil No. 06-md-1724

ORDER

This Order Relates to:

Linda Troutman, Personal Representative for the Estate of Robert Troutman v. Pfizer, Inc., Civil No. 06-1177 (PAM)

This matter is before the Court on Plaintiff Linda Troutman's Motion to Dismiss. The Court grants the Motion.

Linda Troutman is the personal representative of the estate of Robert Troutman. Robert Troutman previously commenced Troutman v. Pfizer, Inc., Civ. No. 1:05-cv-286, in the United States District Court for the Northern District of Indiana. He also filed a Request for Class Certification with the Complaint. On March 20, 2006, the Judicial Panel on Multidistrict Litigation transferred the action to this Court.

On September 13, 2006, Robert Troutman died. Linda Troutman does not desire to prosecute the estate's claim. As such, she seeks dismissal of the action, as well as withdrawal of the Request for Class Certification. She submits that she need not notify class members of her withdrawal, as required by Federal Rule of Civil Procedure 23(e), because the class has not been certified. No party objects to the Motion.

Accordingly, **IT IS HEREBY ORDERED** that:

1. Plaintiff Linda Troutman's Motion to Dismiss (Docket No. 76) is **GRANTED**;

2. The underlying cause of action in the United States District Court for the Northern District of Indiana, Civil No. 1:05-cv-286, is **DISMISSED without prejudice** to any potential member of the putative class sought to be established in the cause of action; and
3. The underlying cause of action in the United States District Court for the District of Minnesota, Civil No. 06-1177 (PAM), is **DISMISSED without prejudice** to any potential member of the putative class sought to be established in the cause of action.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: September 25, 2006

s/ Paul A. Magnuson
Paul A. Magnuson
United States District Court Judge